

Supreme Court of Pennsylvania

Court of Common Pleas
Civil Cover Sheet

Delaware

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☒ Complaint ☒ Writ of Summons ☐ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Anthony Pierre

Lead Defendant's Name:

Delaware County d/b/a George W. Hill Correctional Facil

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits
(check one) ☒ outside arbitration limitsIs this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Gary Schafkopf Esq / David A. Berlin Esq / Matthew B. Weisberg Esq

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☒ Other:
 Civil Rights Violation

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

☐ Employment Dispute:
 Discrimination
☐ Employment Dispute: Other

☒ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal; Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
 Restraining Order
☐ Quo Warranto
☐ Replevin
☐ Other:

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

WEISBERG LAW

David A. Berlin, Esquire

Attorney Id. No. 314400

Matthew B. Weisberg, Attorney ID No. 85570

7 South Morton Ave.

Morton, PA 19070

610-690-0801

Fax: 610-690-0880

Attorney for Plaintiff

SCHAFKOPF LAW LLC

Gary Schafkopf, Attorney ID No. 83362

11 Bala Ave

Bala Cynwyd, PA 19004

610-664-5200 Ext 104

Fax: 888-283-1334

Attorney for Plaintiff

ANTHONY PIERRE

Inmate No. 19009149

500 Cheyney Rd

Thornton, PA 19373

Plaintiff

v.

DELAWARE COUNTY D/B/A

GEORGE W. HILL

CORRECTIONAL FACILITY

500 Cheyney Rd

Thornton, PA 19373

and

LAURA K. WILLIAMS

Individually and in her official capacity as

Warden

500 Cheyney Rd

Thornton, PA 19373

and

DELE FALY

Individually and in his official capacity as

Deputy Warden of Programs and Support

500 Cheyney Rd

Thornton, PA 19373

and

LISA MASTRODDI

Individually and in her official capacity as

Deputy Warden of Operations and

Administration

:
: DELAWARE COUNTY COURT OF
: COMMON PLEAS

:
: No.

:
: JURY TRIAL OF TWELVE (12)
: JURORS DEMANDED

500 Cheyney Rd
Thornton, PA 19373

and

K. MOORE

Individually and in his official capacity as
Correctional Officer
500 Cheyney Rd
Thornton, PA 19373

and

G. BLEE

Individually and in his official capacity as
Correctional Officer
500 Cheyney Rd
Thornton, PA 19373

and

MIKE MOORE

Individually and in his official capacity as
Classification Officer
500 Cheyney Rd
Thornton, PA 19373

and

SERGEANT HAMRE

Individually and in his official capacity as
Sergeant
500 Cheyney Rd
Thornton, PA 19373

and

SERGEANT SICOLLE

Individually and in his official capacity as
Sergeant
500 Cheyney Rd
Thornton, PA 19373

and

SERGEANT RICHBERT

Individually and in his official capacity as
Sergeant
500 Cheyney Rd
Thornton, PA 19373

and

JESSAMINE HEALTHCARE, INC.

1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

JESSAMINE HEALTHCARE, INC.

d/b/a

**CORRECT CARE SOLUTIONS, LLC/
WELLPATH, LLC**

1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

**CORRECT CARE SOLUTIONS, LLC/
WELLPATH, LLC**

1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

**DR. NANCY (Last Name Currently
Unknown)**

Individually and in her official capacity as
Physician for
JESSAMINE HEALTHCARE,
INC./CORRECT CARE SOLUTIONS,
LLC/
WELLPATH, LLC
1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

and

NURSE HAITAN

Individually and in his official capacity as
Nurse for

JESSAMINE HEALTHCARE,
 INC./CORRECT CARE SOLUTIONS,
 LLC/
 WELLPATH, LLC
 1283 Murfreesboro Road, Suite 500
 Nashville, TN 37217

Defendants.

NOTICE TO DEFEND

NOTICE

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

Delaware County Bar Association
 335 W Front St

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas ex-puestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademias, la corte puede decidir a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

USTED LE DEBE TOMAR ESTE PAPEL A SU ABOGADO INMEDIATAMENTE. SI USTED NO TIENE A UN ABOGADO, VA A O TELEFONEA LA OFICINA EXPUSO ABAJO. ESTA OFICINA LO PUEDE PROPORCIONAR CON INFORMATION ACERCA DE EMPLEAR A UN ABOGADO.

SI USTED NO PUEDE PROPORCIONAR PARA EMPLEAR UN ABOGADO, ESTA OFICINA PUEDE SER CAPAZ DE PROPORCIONARLO CON INFORMACION ACERCA DE LAS AGENCIAS QUE PUEDEN OFRECER LOS SERVICIOS LEGALES A PERSONAS

<p>Media, PA 19063 (610) 566-6625</p>	<p>ELEGIBLES EN UN HONORARIO REDUCIDO NI NINGUN HONORARIO.</p> <p>Delaware County Bar Association 335 W Front St Media, PA 19063 (610) 566-6625</p>
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610-664-5200 Ext 104
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Attorney for Plaintiff

ANTHONY PIERRE
Inmate No. 19009149
500 Cheyney Rd
Thornton, PA 19373

Plaintiff

v.

**DELAWARE COUNTY D/B/A
GEORGE W. HILL
CORRECTIONAL FACILITY**
500 Cheyney Rd
Thornton, PA 19373

and

LAURA K. WILLIAMS
Individually and in her official capacity as
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Individually and in his official capacity as
Deputy Warden of Programs and Support
500 Cheyney Rd
Thornton, PA 19373

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LISA MASTRODDI
Individually and in her official capacity as
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Administration

DELAWARE COUNTY COURT OF
COMMON PLEAS

No.

**JURY TRIAL OF TWELVE (12)
JURORS DEMANDED**

500 Cheyney Rd
Thornton, PA 19373

and

K. MOORE

Individually and in his official capacity as
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**DR. NANCY (Last Name Currently
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Individually and in her official capacity as
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1283 Murfreesboro Road, Suite 500
Nashville, TN 37217

Defendants.

CIVIL ACTION COMPLAINT

1. Plaintiff, Anthony Pierre, is an adult male, currently in custody at Delaware County d/b/a George W. Hill Correctional Facility, inmate number 19009149. At all times material, Plaintiff was incarcerated at George W. Hill Correctional.
2. Defendant, Delaware County d/b/a George W. Hill Correctional Facility ("George W. Hill"), is a prison that, at all times material herein, acted in its official capacity.
3. Defendant, Laura K. Williams ("Williams"), is an adult individual who, at all times material herein, acted individually as Warden at George W. Hill Correctional Facility.
4. Defendant, Dele Faly ("Faly"), is an adult individual who, at all times material herein, acted individually as Deputy Warden of Security at George W. Hill Correctional Facility.
5. Defendant, Lisa Mastroddi ("Mastroddi"), is an adult individual who, at all times material herein, acted individually as Deputy Warden of Operations and Administration at George W. Hill Correctional Facility.
6. Defendant, K. Moore ("Moore"), is an adult individual who, at all times material herein, acted individually as Correctional Officer at George W. Hill Correctional Facility.
7. Defendant, G. Blee ("Blee"), is an adult individual who, at all times material herein, acted individually as Correctional Officer at George W. Hill Correctional Facility.
8. Defendant, Mike Moore ("M. Moore"), is an adult individual who, at all times material

herein, acted individually as Classification Officer at George W. Hill Correctional Facility.

9. Defendant, Sergeant Hambre (“Hambre”), is an adult individual who, at all times material herein, acted individually as Sergeant at George W. Hill Correctional Facility.
10. Defendant, Sergeant Sicolle (“Sicolle”), is an adult individual who, at all times material herein, acted individually as Sergeant at George W. Hill Correctional Facility.
11. Defendant, Sergeant Richbert (“Richbert”), is an adult individual who, at all times material herein, acted individually as Sergeant at George W. Hill Correctional Facility.
12. Defendant Jessamine Healthcare Inc. d/b/a Wellpath LLC, formerly known as Correct Care Solutions, LLC, (collectively “Wellpath”) are Pennsylvania limited liability, for profit corporations doing business at all times pertinent to this Complaint, inter alia, at the above facility in Delaware County. At all times material to the allegations of this Complaint Wellpath, a vendor, contracted with the DOC for the provision of medical and health services, and was responsible for providing prison health services and appropriate and timely care and treatment to inmates, and generally protecting the medical welfare of inmates at various facilities in Pennsylvania, including at all the state correctional institutes, where plaintiff has been housed.
13. Defendant, Dr. Nancy, whose last name is currently unknown, is an adult individual who, at all times material herein, acted individually and in her official capacity as Physician for Wellpath at George W. Hill Correctional Facility.
14. Defendant, Nurse Haitan, whose first name is currently unknown, is an adult individual who, at all times material herein, acted individually and in his official capacity as Nurse for Wellpath at George W. Hill Correctional Facility.
15. Venue is proper in this Honorable Court as the events giving rise to this action occurred in

Delaware County.

OPERATIVE FACTS

15. The above paragraphs are incorporated herein by reference.
16. On or about March 22, 2022, Plaintiff was an inmate at George W. Hill Correctional Facility. Plaintiff was in solitary confinement and was informed by Defendant, Hambre, there was a credible hit on Plaintiff, and they wanted to move him to a safer location.
17. On or around March 24, 2022, Defendants, Moore and Sicolle, were assisting with the transfer of Plaintiff. Plaintiff was told by Defendant, Moore, that if he wanted to leave solitary confinement, he had to pick up food trays.
18. While Plaintiff started to pick up the food trays, Defendant, Moore, improperly opened two inmates' cells. As Plaintiff's back was turned to pick up the food trays, he was attacked by one of the inmates.
19. The inmate also threw water on Plaintiff which caused him to slip and fall during the physical altercation. Plaintiff's fall caused him to sustain injuries to his right knee and right leg.
20. It is standard procedure for every inmate to be handcuffed when they exit their cell in solitary confinement. Neither Plaintiff, nor the two inmates, were handcuffed at the time.
21. Upon information and belief, Defendants, Moore and Sicolle, knew or should have known about Plaintiff's credible hit and failed to properly protect Plaintiff.
22. Following the incident, Plaintiff went to medical for his injuries, but they told him he wasn't injured and sent him back to his cell.
23. The following day, Plaintiff woke up with intense swelling of his right knee and sharp pains to his right leg. Plaintiff also had extreme difficulty with standing and walking.

24. Plaintiff asked to be seen by medical, but Defendant, Richbert, refused.
25. On or about March 31, 2022, Plaintiff was eventually able to see Defendant, Dr. Nancy, who told Plaintiff that he had a swollen tendon. Defendant, Haitan, provided Motrin and informed Plaintiff that he would order X-Rays. To date, no X-Rays have been scheduled.
26. Plaintiff continues to suffer from his injuries that occurred on March 22, 2022. Plaintiff still suffers from tendon pain and is unable to exercise or play basketball.
27. Plaintiff has suffered and continues to suffer severe physical and emotional distress as a result of Defendants' conduct.

COUNT I
EIGHTH AMENDMENT VIOLATION-FAILURE TO PROTECT/ CRUEL AND
UNUSUAL PUNISHMENT
Plaintiff v. All Defendants

28. The above paragraphs are incorporated herein by reference.
29. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.
30. Defendants failed to protect Plaintiff from being assaulted by a separate inmate.
31. Defendants' actions stated above, inter alia, were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.
32. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendant, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT II
NEGLIGENCE

*Plaintiff v. Defendants, Williams, Faly, Mastroddi,
Moore, Blee, M. Moore, Hambre, Sicolle, Richbert*

33. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

34. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:

- a. Failing to properly provide a safe environment for all inmates;
- b. Failing to protect the well-being of inmates;
- c. Other conduct that deviated from the applicable standard of care.

35. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT III
**EIGHTH AMENDMENT VIOLATION-FAILURE TO PROVIDE MEDICAL CARE
AND TREATMENT/CRUEL AND UNUSUAL PUNISHMENT**
Plaintiff v. All Defendants

39. The above paragraphs are incorporated herein by reference.

40. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

41. Defendants showed deliberate indifference to Plaintiff's serious medical needs and wanton

infliction of pain.

42. Defendants' actions stated above, inter alia, were violations of Plaintiff's clearly establish and well settled Constitutional and other legal rights.

43. Defendants caused Plaintiff to suffer cruel and unusual punishment in violation of the Eighth Amendment of the United States Constitution, actionable through 42 U.S.C. §1983, et seq.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

COUNT IV
NEGLIGENCE

Plaintiff v. Defendants, Wellpath, Dr. Nancy, Haitan,

44. Plaintiff incorporates by reference all prior paragraphs as if fully set forth at length herein.

45. At all times material, Defendants breached their duty of care to Plaintiff, acting negligently, recklessly, and carelessly, and in the following regards, respectively:

- a. Failing to provide Plaintiff with proper medical care;
- b. Failing to provide Plaintiff with the proper accommodations for his medical needs;
- c. Other conduct that deviated from the applicable standard of care.

46. As a direct and proximate result of Defendants' negligence, carelessness and recklessness, Plaintiff suffered actual loss.

WHEREFORE, Plaintiff demands judgment in their favor and against Defendants, individually, jointly and/or severally, in an amount in excess of fifty thousand dollars (\$50,000.00), including punitive damages, and further relief as this Honorable Court deems necessary and just, including attorney's fees and costs.

Respectfully Submitted,

WEISBERG LAW
/s/ David Berlin
David Berlin, Esquire
Matthew B. Weisberg, Esquire

SCHAFKOPF LAW
/s/ Gary Schafkopf
Gary Schafkopf, Esquire
Attorneys for Plaintiff

DATED: June 16, 2022